

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #11	CCRB Case #: 202001407	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 01/31/2020 2:44 AM	Location of Incident: 78th Precinct Stationhouse	18 Mo. SOL 3/17/2022	Precinct: 78		
Date/Time CV Reported Fri, 01/31/2020 3:55 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 02/14/2020 11:00 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Sherrice Rowland	16109	939379	078 PCT
2. POM Korben Folk	08127	963521	078 PCT
3. POM Danny Arroyo	12244	921932	078 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Danny Arroyo	Abuse: Police Officer Danny Arroyo did not process § 87(2)(b)'s complaint regarding officers over the phone.	
B . POF Sherrice Rowland	Abuse: At the 78th Precinct Stationhouse, Police Officer Sherrice Rowland did not process § 87(2)(b)'s complaint regarding officers.	
C . POM Korben Folk	Abuse: At the 78th Precinct Stationhouse, Police Officer Korben Folk did not process § 87(2)(b)'s complaint regarding officers.	

## Case Summary

On January 31, 2020 § 87(2)(b) filed this complaint with the Internal Affairs Bureau, under Log #20-4136. On February 14, 2020, the CCRB received this complaint.

On January 31, 2020 at approximately 2:30 a.m., § 87(2)(b) called the 78<sup>th</sup> Precinct to file a complaint regarding police running a red light without an emergency, and Police Officer Danny Arroyo, formerly from the 78<sup>th</sup> Precinct but not inactive, allegedly told § 87(2)(b) to go to the stationhouse to file his complaint. PO Arroyo did not take § 87(2)(b)'s complaint over the phone (**Allegation A: Abuse of Authority, § 87(2)(g)**). At approximately 2:44 a.m., § 87(2)(b) went to the 78<sup>th</sup> Precinct Stationhouse to file his complaint. When he arrived, he spoke with Police Officer Sherrice Rowland and Police Officer Korben Folk, both of the 78<sup>th</sup> Precinct. Neither officer processed § 87(2)(b)'s complaint regarding police officers at the stationhouse (**Allegations B and C: Abuse of Authority, § 87(2)(g)**).

Due to the administrative assignment of the officers involved, BWC footage was not obtained in connection with this case.

There were no summonses issued or arrests made as a result of this incident.

There is stationhouse footage that captures § 87(2)(b)'s interaction with the officers (BR01).

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Danny Arroyo did not process § 87(2)(b)'s complaint regarding officers over the phone.**

§ 87(2)(b) stated (BR02) that he called the 78<sup>th</sup> Precinct stationhouse at the phone number he found on Google. § 87(2)(b) spoke with a male officer, whose name he did not obtain. He informed the officer that he wanted to file a complaint regarding officers running a red light. The officer told § 87(2)(b) to go to the stationhouse to file his complaint and did not take his complaint over the phone.

The 78<sup>th</sup> Precinct Roll Call (BR03) noted PO Danny Arroyo as the Telephone Switchboard (T/S) operator and did not list any officer assigned to desk. The T/S log (BR12) confirmed that PO Arroyo was the T/S operator during the time of this incident—from 11:00 am to 3:00 am.

PO Rowland confirmed (BR04) that the officer at the desk, as shown in the stationhouse footage (BR01), was PO Danny Arroyo.

According to the NYPD's Department Advocate Office, PO Arroyo retired from the NYPD on December 10, 2020 (BR05).

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Police Officer Sherrice Rowland did not process § 87(2)(b)'s complaint regarding an officer.**

**Allegation (C) Abuse of Authority: Police Officer Korben Folk did not process § 87(2)(b)'s complaint regarding an officer.**

Stationhouse footage (BR01), which captures the entire incident at the stationhouse, provides a visual display of § 87(2)(b)'s interaction with PO Rowland and PO Folk, with no audio. § 87(2)(b) enters the stationhouse at the 14:09 mark. He approaches PO Rowland, who is standing behind the railing of the main entrance. After speaking for a couple of minutes, PO Folk enters the scene at the 16:51 mark. PO Folk and PO Rowland continue speaking with § 87(2)(b). At the 18:12 mark, PO Folk points to a poster near the front door of the stationhouse. § 87(2)(b) leaves at the 29:13 mark and was not shown filing out any paperwork or speaking to any other officer.

prior to his departure.

§ 87(2)(b) stated (BR02) that when he arrived at the stationhouse, he spoke to the female officer that was behind a small gate by the entrance—later identified as PO Rowland. § 87(2)(b) explained that he wanted to file a complaint about officers in a patrol vehicle that ran a red light without an emergency. PO Rowland laughed at the reason § 87(2)(b) wanted to file his complaint and asked him if he actually wanted to file a complaint for that reason. After a back and forth regarding whether the officers were justified in running the red light, PO Rowland told § 87(2)(b) that the officers involved in the incident were not from the 78<sup>th</sup> Precinct; therefore, he needed to go to the appropriate precinct to file his complaint. § 87(2)(b) requested PO Rowland's help in finding the correct precinct, but she refused to help him. PO Folk approached § 87(2)(b) after which § 87(2)(b) informed him that he wanted to file a complaint. PO Folk told § 87(2)(b) to contact IAB and then pointed at a phone number on the wall of the stationhouse; he also told § 87(2)(b) that the officers he was reporting about were not from the 78<sup>th</sup> Precinct. Neither PO Folk nor PO Rowland offered to take § 87(2)(b)'s complaint at the stationhouse.

PO Folk did not independently recall this incident (BR06). The investigation presented a photograph of § 87(2)(b) § 87(2)(g) (BR07), who PO Folk did not recognize; the investigation presented him with stationhouse footage (BR01), where he identified himself as the officer pointing at a board which explains how they refer complaints out. PO Folk did not independently recall the events that occurred in the video. PO Folk stated that when a civilian comes in, they immediately point to the paper or poster that he was pointing to in the video, where they present the number to IAB and four different ways to refer any allegations or complaints to IAB—these ways being through phone, email, fax, mail; PO Folk also stated that the poster he was pointing to in the stationhouse footage states that IAB notifications are required to report any corruption or misconduct by any members of service. PO Folk stated that he was taught that any complaint regarding a police officer is to be referred to IAB. PO Folk was not aware of any other method to file complaint against officer or other ways to refer them to IAB. PO Folk did not recall refusing to file a complaint for § 87(2)(b) regarding police officers, nor did he recall any other officer refusing to process § 87(2)(b)'s complaint regarding police officers.

PO Rowland also did not independently recall this incident (BR04). The investigation presented a photograph of § 87(2)(b) (BR07), as well as a summary of the incident, which did not refresh PO Rowland's recollection. When presented with the stationhouse footage (BR01), PO Rowland recognized herself in the footage and identified PO Folk. Due to the lack of audio, PO Rowland did not recall what she was speaking to § 87(2)(b) about. She acknowledged that at the 18:32 mark, PO Folk was pointing at a poster that had the CCRB's information on it. PO Rowland was not aware of why PO Folk was pointing at the poster. If a civilian was to come into the stationhouse, requesting to file a complaint regarding police officers, PO Rowland stated that she would tell a "boss" or an officer of a higher rank; she cannot interview a civilian if there is an allegation against another officer. There was no instance whether she would interview the civilian herself or providing them any paperwork. PO Rowland did not recall needing to get a supervisor regarding a civilian attempting to file a complaint. PO Rowland did not tell § 87(2)(b) that she could not take his complaint, nor did she see any other officer tell him that they would not take § 87(2)(b)'s complaint.

Patrol Guide Procedure 207-31 states that when a civilian would like to file a complaint in person, the officer to whom the civilian spoke with must interview the complainant and give them a copy of the civilian complaint report (BR08)

§ 87(2)(g)

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### Civilian and Officer CCRB Histories

- § 87(2)(b) is a party to one other CCRB complaint, where he is a victim to one allegation (BR09).

§ 87(2)(b)

- PO Danny Arroyo is now retired. While a member-of-service, he was a subject of one allegation in one other CCRB complaint, which was not substantiated.
- PO Sherrice Rowland has been a member-of-service for 15 years and this is the first complaint to which she has been a subject.
- PO Korben Folk has been a member-of-service for three years and this is the first complaint to which he has been a party.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of the New York City Comptroller, § 87(2)(b) has not filed a notice of claim regarding this incident as of February 9, 2021 (BR10).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 11

Investigator:



Signature

Inv. Jessica Russo

Print Title & Name

02/17/2021

Date

Squad Leader:

Edwin Pena

Signature

IM Edwin Pena

Print Title & Name

02/18/21

Date

Reviewer:

Signature

Print Title & Name

Date